



PUBLIC NOTICE

Federal Communications Commission
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DA 00-1750
August 3, 2000

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON TELECORP PCS,
L.L.C.'S REQUEST FOR WAIVER OF THE FIVE YEAR BROADBAND PCS CONSTRUCTION
REQUIREMENT FOR THE PARTITIONED/DISAGGREGATED ST. LOUIS MTA (019)**

Comment Date: September 4, 2000

Reply Date: September 19, 2000

On July 7, 2000, TeleCorp PCS, L.L.C. ("TeleCorp"), licensee of call sign WPOI217, a license partitioned/disaggregated from the St. Louis MTA, filed a request for waiver of the five year construction requirements under Section 24.203(a) of the Commission's rules, 47 C.F.R. § 24.203(a). Pursuant to this Section, licensees are required to provide adequate service to at least one-third of the population in their licensed areas within five years. TeleCorp acquired this license through partitioning and disaggregation from AT&T Wireless PCS, LLC. In that transaction, TeleCorp certified that it would meet the construction requirements found in Section 24.203(a) of the Commission's rules, 47 C.F.R. § 24.203(a), with respect to its portion of the market.

TeleCorp submits that the Commission should conclude that it has met the threshold, but requests a waiver of the construction requirements in the event that the Commission concludes that TeleCorp is not in compliance with those requirements. TeleCorp submits that in conjunction with AT&T Wireless PCS, LLC, adequate service is currently being provided to over fifty percent of the total population of the St. Louis MTA. TeleCorp also states that the area for which it is responsible for provision of PCS is a primarily rural area with a widely dispersed population, which makes satisfactory coverage difficult and costly. As a result, TeleCorp states that it provides adequate service to 12.25 percent of its total partitioned area. In addition, TeleCorp also submits that a waiver of the five year construction requirements would encourage service to rural areas.

We seek comment on whether granting TeleCorp's waiver request would further the public interest. Commenters should address the sufficiency of the showing made in support of the waiver in light of the requirements of 47 C.F.R. § 1.925 and any other public interest considerations. Interested parties may file comments on or before September 4, 2000. Parties interested in submitting reply comments must do so on or before September 19, 2000. All comments should reference TeleCorp's request for waiver and include the DA number of this Public Notice DA 00-1750. Comments should be filed with the Office of the Secretary, Federal Communications Commission, TW B204, 445 12th St. S.W., Washington, DC 20554. Comments also should be provided to Michael Ferrante, Room No. 4-C 124, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th St. S.W., Washington, DC 20554.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of

the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

The TeleCorp waiver request is also available for public inspection and copying in the Reference Center, Room CY A257, 445 12th St., S.W., Washington, DC 20554. Copies of the waiver request are also available from ITS at 1231 20th St. N.W., Washington, DC 20036, or by calling (202) 857-3800.

For further information, contact Michael Ferrante at (202) 418-1323.

By the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau